

**CITY OF MARLBOROUGH  
CONSERVATION COMMISSION**

**MINUTES**

**March 3, 2005  
Memorial Hall, 3<sup>rd</sup> Floor, City Hall**

Members Present: Edward Clancy-Chairman, David Williams, Allan White, Lawrence Roy, John Skarin, and Priscilla Ryder-Conservation Officer

Absent: Donald Rider, Jr. and Dennis Demers

Minutes - The minutes of February 17, 2005 were approved and accepted as written.

**Public Hearing (s)**

Notice of Intent

274 Brigham St. - Lawrence Maloney

The project engineer, Ralph Wagner of Overland Design, represented Lawrence Maloney who was not present. Mr. Wagner gave an overview of the project, which will be a single family house in Southborough with a driveway crossing and a precast bridge installation proposed on the Marlborough side to access this house. The stream is a perennial stream and an Outstanding Resource Water (ORW) since it drains into the Sudbury Reservoir. The site contains bordering vegetated wetland, riverfront area and bank. The stream will be crossed with a precast concrete bridge. A detail of the bridge design was provided. However, the rating of the bridge and information about the type and depth of footings is still needed. The applicant agreed to provide the following information: the soil borings, construction sequencing, steel plates to cross the stream to install the footings, stockpile location, clearing process and footing construction process, and the wetland replication plan. A well and septic system are being provided on site. Electricity will be brought into the site from the Marlborough side, but this still needs to be determined and will be added to the revised plans. There is wetland filling both in Marlborough and Southborough, which are both being compensated for with wetland replication. The Marlborough replication area is several times larger than the fill area.

After some discussion, it was agreed that the Conservation Officer would meet on site with their site engineer and wetland consultant to review the replication area location and to determine if this is an appropriate location and if the replication area needs to be as large as is shown on the plan. Where feasible, mature trees should be saved.

Carolyn Sullivan, the abutter at 264 Brigham St. expressed concerns that during times of high water her yard gets very wet, she wanted to be sure that this plan will not exacerbate this problem.

The Commission asked questions regarding snow removal, guardrail on the bridge, and the wetland replication area. After some discussion, the Commission with the applicant's consent, agreed to continue the hearing to the April 7<sup>th</sup> meeting to provide time for the applicant to provide the information requested.

Request for Determination of Applicability (Continuation of Public Hearing)  
CSX Transportation

Since there is still snow on the ground, which prohibits accurate wetland line verification, this item was continued to March 17<sup>th</sup> at the applicant's request.

Notice of Intent

401 Cedar Hill St. (previously part of 120 Bartlett St.) - c/o RAM Management

Art Allen of Eco Tech, Brad Mezquita and Gretchen of Appledore Engineering, and Brian Gagne from RAM were all present. The proposal is to construct a single story building and associated parking & drainage within the 100 ft. buffer zone of a wetland including some wetland filling and replication.

Art Allen reviewed the existing conditions plan and noted that an Order of Resource Area Delineation (ORAD) had been issued for the wetland boundary line last year. The two shallow depressions considered non-jurisdictional under the Wetlands Protection Act were considered jurisdictional as "human induced wetlands" by the Army Corp of Engineers (ACOE) and therefore needed to be replicated on the site. A replication area protocol is provided on the plan to meet this requirement. The ACOE requires a no-net loss of wetlands, some of the replication is being counted from the 120 Bartlett St. site which was a greater than 1:1 replacement. Art Allen will provide this documentation for the Commission's files.

Brad Mezquita explained the drainage system and detention basin. The basin is intended to provide some infiltration from the site. The Commission asked that a construction sequencing plan be provided with a note on how to ensure the detention basin has infiltration capacity when the project is completed (ie. not clogged with silt). He also noted that the city engineer had indicated that the end of the drainage pipe, on the adjacent property, needs to be cleared and he will provide details on this at the next meeting.

After some discussion, the Commission with the applicants consent, continued the hearing to the March 17<sup>th</sup> meeting in order to allow the applicant to provide the information noted above.

Notice of Intent - (DEP 212-952) Continuation of Public Hearing  
180 Farm Rd. (Davis Estates) - Robert Valchuis

Ms. Ryder noted that Jim Arsenault, the City Engineer, had provided comments that this subdivision plan is complete and will be reviewed by the Planning Board on March 7, 2005. Therefore, the Commission closed the hearing. The Commission reviewed a draft Order of Conditions for the project and made some changes to the document, including the installation of the 20' wetland markers during the initial construction phase. On a motion by Lawrence Roy, seconded by John Skarin, the Commission voted 5-0 to issue the Order of Conditions as drafted and amended.

**Discussion**

- DEP Snow Disposal Guidance – The Commission reviewed the DEP snow policy and determined that it was adequate to address city issues as well.

**Certificates of Compliance**

- DEP 212-258 & 212-301 Country Club Estates (Full Certificate) - due to the snow cover, this has not been checked by the engineering department. This item was continued until such time as an answer from engineering is received once the snow melts.

**Correspondence**

- Ltr. from ExxonMobil dated Feb. 17, 2005 RE: Former Marlco Facility, 279 Maple St. The Commission voted to accept and place this document on file.

**Other Business**

- 34 Mosher Ln. - Ms. Ryder noted that a Notice of Resource Area Delineation (NRAD) will be filed for this lot for the next meeting. The applicant is required by DEP to refile with the Commission and

have an independent consultant hired to do the review. Scott Goddard has asked if the Commission could provide a list of consultants and if the choice of consultants could be mutually agreeable. The Commission suggested Oxbow Associates and David Burke as recommendations. This will be reviewed at the next meeting.

- Zoning Board of Appeals notice – Raymond Rd. A letter from Sy Sackler of Temple Emanuel has been sent to the Zoning Board of Appeals (ZBA) requesting a variance to the front yard setback requirement from 30 feet to 20 feet to allow a house to be built outside of the wetland boundary. A tentative hearing date of April is scheduled. The Commission said they would look at the document and determine if they want to send comments to the ZBA.

**Meetings**

Next Conservation Commission Meetings - March 17<sup>th</sup> and April 7<sup>th</sup>, 2005 (Thursdays)

**Adjournment**

There being no further business, the meeting was adjourned at 8:35 PM

Respectfully submitted,

Priscilla Ryder  
Conservation Officer